



March 19, 2015

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Notice of Ex Parte Presentation – Prepaid Wireless Retail, LLC (WC  
Docket No. 09-197 and 11-42)

Dear Secretary Dortch:

On March 16, 2015, the undersigned, on behalf of Prepaid Wireless Retail, LLC (dba Odin Mobile), met with Commissioner O'Reilly and Amy Bender, legal advisor, wireline, to discuss Odin Mobile's desire to provide Lifeline service to individuals who are blind or visually impaired. The parties reviewed the attached documents, which focus on the importance of allowing the blind community to take advantage of Lifeline.

In the event that you have any questions, please call the undersigned at 301-363-4306.

Regards,

A handwritten signature in black ink, appearing to read "Robert Felgar".

Robert Felgar  
General Manager  
Odin Mobile



# BLINDED VETERANS ASSOCIATION

477 H STREET NORTHWEST • WASHINGTON DC 20001-2694 • (202) 371-8880

December 5, 2012

Dear Sir or Madam:

On behalf of the membership of the Blinded Veterans Association (BVA), the only congressionally chartered veterans service organization exclusively dedicated to serving the needs of our Nation's blinded veterans and their families for 68 years, the BVA would like to lend its strong support for the petition of Odin Wireless to be designated an eligible telecommunications carrier ("ETC").

The BVA is very concerned that many of its members are not benefiting from even the most basic advances in telecommunications technologies. BVA was a strong advocate for both the American Disabilities Act ("ADA"), and provided witnesses in favor of the enactment of the 21<sup>st</sup> Century Communications and Video Accessibility Act. The BVA views helping its members gain access to wireless and other communications technologies as a critical issue for blinded veterans.

A recent survey suggests that more than one third of the BVA's members do not even use a basic cell phone, let alone a so-called smart phone. Reasons for this vary but include the cost of wireless services, as well as the lack of accessible handsets. While the general population embraced the benefits of wireless technologies years ago, our blinded veterans, who have given so much to our country, are falling behind.

Blinded veterans face huge economic challenges. The Department of Veterans Affairs found that in 2009, 32 percent of blinded veterans lived on less than \$20,000 per year. And according to Disability Statistics, in 2008, only approximately 43.3 percent (plus or minus 0.76 percentage points) of non-institutionalized persons with a visual disability, ages 21-64, were employed. Accordingly, BVA's members would benefit substantially from Lifeline service which would make basic wireless service more affordable. Yet our recent survey suggests that only a small percentage of blinded veterans are taking advantage of the program. This low participation rate is likely caused in significant part by the fact that wireless ETCs do not offer accessible handsets, accessible websites and specially trained customer service that can assist blind customers use their phone. Odin Wireless has stated that it will address these limitations and make its service fully accessible.

The BVA supports the Odin Wireless petition because designating it an ETC will provide low income blinded veterans the ability to participate in a government program that has been largely inaccessible. Our sincere hope is that a wireless Lifeline service that targets the needs of the blind will have significant positive impact on the percentage of BVA's members who adopt and benefit from basic wireless service.

The BVA greatly appreciates the efforts of the Commission to make wireless, and other technologies, accessible to the blind, including our membership of blinded veterans.

Sincerely,

Thomas Zampieri  
Director Government Relations

# Perkins



PRODUCTS

July 23, 2014.

Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Dear Sir or Madam,

Perkins Products is a division of Perkins, which is celebrating its 185<sup>th</sup> year of providing education, services and products to people who are blind, deafblind or visually impaired with other disabilities. Founded in 1829, Perkins works locally and globally reaching more than 880,000 people each year in 67 countries. Perkins helps to build productive and meaningful lives through its five divisions: School for the Blind, International, Library, eLearning, and Products. In addition, Perkins, in collaboration with the Helen Keller National Center and FableVision, leads the iCanConnect campaign to educate the public about the National Deaf-Blind Equipment Distribution Program. More information is available at [www.Perkins.org](http://www.Perkins.org).

The phones that are currently available under the Lifeline Program are not accessible to individuals with visual impairments. As such, Perkins Products supports Odin Mobile's desire to participate in the Lifeline program since their ODIN VI phone is a completely accessible and talking phone. Unfortunately, many individuals who are blind or visually impaired have low incomes and suffer from unemployment. Allowing Odin Mobile to participate in Lifeline will permit more blind individuals to benefit from mobile technology.

For your information, Perkins Products, distributes the ODIN VI, an accessible basic cell phone.

Sincerely,



Joseph A. Martini  
Director of Assistive Technology  
Perkins Products  
175 North Beacon Street  
Watertown, MA 02472



# American Council of the Blind

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2200 Wilson Blvd., Suite 650 • Arlington, VA 22201 • Tel: (202) 467-5081 • Fax: (703) 465-5085

December 6, 2012

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Dear Sir or Madam:

The American Council of the Blind (ACB) is a leading national membership organization whose purpose is to work toward independence, security, equality of opportunity, and improved quality of life for all blind and visually impaired people. Founded in 1961, ACB's members work through more than 70 state and special-interest affiliates to improve the well-being of all blind and visually impaired people by: serving as a representative national organization; elevating the social, economic and cultural levels of blind people; improving educational and rehabilitation facilities and opportunities; cooperating with the public and private institutions and organizations concerned with blind services; encouraging and assisting all people with severely impaired vision to develop their abilities, and; conducting a public education program to promote greater understanding of blindness and the capabilities of people who are blind.

ACB supports the petition of Odin Wireless to be designated an eligible telecommunications carrier.

Many blind and visually impaired people do not take advantage of mobile technology because the service is either not accessible or affordable to them. The blind community experiences lower average incomes and higher unemployment rates than the general population. The Lifeline program can play an important role in increasing the number of blind and visually impaired people that benefit from mobile technology.

Currently, wireless eligible telecommunications carriers do not satisfy the needs of the blind community. Odin Wireless provides promise that this will change.

The American Council of the Blind commends the Commission on its efforts to make mobile technology more accessible.

Sincerely,

A handwritten signature in dark ink, appearing to read "Eric Bridges", is written over a light-colored background.

Eric Bridges  
Director of Advocacy and Governmental Affairs

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of Sections 716 and 717 of the	)	CG Docket No. 10-213
Communications Act of 1934, as Enacted by the	)	
Twenty-First Century Communications and Video	)	
Accessibility Act of 2010	)	

**BIENNIAL REPORT TO CONGRESS  
AS REQUIRED BY THE  
TWENTY-FIRST CENTURY COMMUNICATIONS  
AND VIDEO ACCESSIBILITY ACT OF 2010**

Adopted: October 8, 2014

Released: October 8, 2014

By the Acting Chief, Consumer and Governmental Affairs Bureau:

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are concerns that these updates can end up impairing accessibility for users with disabilities, a result that often cannot be undone after the update has been downloaded.<sup>199</sup> Of particular note is the apparent lack of accessibility to or compatibility with assistive technology used by individuals who are deaf-blind,<sup>200</sup> and complaints that many of the wireless phones that are being made available to low-income consumers who are blind or visually impaired by providers that participate in the Commission's Lifeline program either lack certain accessibility features, or are not accessible at all.<sup>201</sup> We also note that, while some providers appear to offer service plans that generally meet the needs of consumers with disabilities,<sup>202</sup> consumers have concerns about provider practices that could, in the future, negatively impact data speeds or cap data usage, either of which may make video communication difficult or impossible for consumers who are deaf or hard of hearing.<sup>203</sup> These concerns suggest a need to be mindful about avoiding the creation of new barriers to accessibility as technologies and service plans continue to evolve.

44. *Industry consultation with individuals with disabilities.* The CVAA requires covered entities to keep records of their efforts to consult with individuals with disabilities.<sup>204</sup> In response to the 2014 CVAA Tentative Findings PN, the Wireless RERC asserts that, "wireless technology continues to evolve in both predictable and unforeseen ways" and "people with disabilities should always be consulted throughout the design and development phases of new or changing technologies and services."<sup>205</sup> It is apparent that industry has taken some steps to include people with disabilities in their design and development of products and services. For example, CTIA, TIA, and Microsoft each report that they or their member companies have undertaken efforts to consult with individuals with disabilities through meetings and dialogues with consumer stakeholders,<sup>206</sup> internal programs,<sup>207</sup> advisory panels,<sup>208</sup> and usability testing.<sup>209</sup> However, we note that consumers remain concerned about the extent to which

<sup>199</sup> See ¶ 22, *supra*. (AADB observing that upgrades or updates sometimes cause a device or app to become less accessible or totally inaccessible for the user who is deaf-blind), ¶ 23, *supra* (Wireless RERC expressing the need to ensure that software updates do not disable accessibility). See also ¶ 47, *infra* (discussing this further as an accessibility barrier to new communications technologies).

<sup>200</sup> See ¶ 22, *supra* (comments of AADB). See also ¶ 47, *infra* (discussing this further as an accessibility barrier to new communications technologies).

<sup>201</sup> See ¶ 24, *supra*. See also ¶ 58, *infra* (CGB reporting on consumer complaints about inaccessible wireless handsets received in conjunction with Lifeline services). In response to the 2014 CVAA Tentative Findings PN, the Wireless RERC asserts that compliance with the CVAA by service providers under the Lifeline program is needed to support universal service for people who are economically disadvantaged, including many older adults and people with disabilities. Wireless RERC Comments on Tentative Findings at 11.

<sup>202</sup> See ¶ 38, *supra* (comments of CTIA).

<sup>203</sup> See ¶ 37, *supra* (comments of Consumer Groups).

<sup>204</sup> See 47 U.S.C. § 618(a)(5)(a)(i).

<sup>205</sup> Wireless RERC Comments on Tentative Findings at 9, 12.

<sup>206</sup> See ¶ 31, *supra* (CTIA reporting that its member companies have met with various disability-related organizations and consumer representatives), ¶ 32, *supra* (TIA reporting that its members continue to liaise with the disability community to ensure inclusive design, and that consultation with individuals with disabilities on research and development is taking place at both the company and industry association levels), ¶ 33, *supra* (Microsoft reporting that it holds an annual summit with Microsoft employees and disability rights advocates).

<sup>207</sup> See ¶ 31, n.141, *supra* (CTIA noting, specifically, the establishment of a Corporate Accessible Technology Office by AT&T, and Verizon's online training courses for new employees about accessibility requirements).

<sup>208</sup> See ¶ 31, *supra* (CTIA reporting wireless provider initiatives, including advisory panels).

<sup>209</sup> See ¶ 33, *supra* (Microsoft reporting that it hires individuals with disabilities as usability testers).

56. When the Commission established the RDA process, it anticipated that this process would allow for the resolution of consumer accessibility concerns through dialogue and negotiation, thereby reducing the need for informal complaints, and consequent enforcement action.<sup>261</sup> We believe that the new RDA process has succeeded in this respect, and that the new complaint process has further encouraged service providers and equipment manufacturers to comply with the accessibility rules.

### 1. Number and Nature of Complaints Received

57. From January 1, 2012, to October 7, 2013, consumers filed 85 informal complaints with the Commission, alleging violations of Section 255 of the Act or its implementing regulations.<sup>262</sup> Of these complaints, approximately 34% alleged violations by equipment manufacturers and 54% alleged violations by service providers, with the remaining 12% alleging both service and equipment violations. In addition, between October 8, 2013 and December 31, 2013, consumers filed seven RDAs with DRO under the new complaint procedures, all of which concerned Section 255 of the Act or its implementing regulations.<sup>263</sup> During that three-month period, no RDAs were filed alleging violations of Sections 716 or 718 of the Act, and no informal complaints were filed alleging violations of Sections 255, 716, or 718. Of the seven RDAs that were filed, approximately 86% alleged violations by service providers and 14% alleged violations by both equipment manufacturers and service providers. For the entire two-year period covered by this *Report*, a total of 92 informal complaints and RDAs were filed, all of which alleged accessibility violations under Section 255. An aggregate of approximately 31.5% alleged violations by equipment manufacturers and 56.5% alleged violations by service providers, with the remaining 12% alleging both service and equipment violations.

58. Equipment-related complaints and RDAs raised a wide range of accessibility issues by consumers with disabilities. Many consumers complained of handsets that lacked text-to-speech functionality, or that had keyboards that were hard to read or buttons that were too small to use. Others complained of handsets that were not compatible with their hearing aids or that had poor sound quality. Approximately 15% of all informal complaints and RDAs received during the reporting period involved complaints about inaccessible wireless handsets received in conjunction with subscriptions for telephone services under the Commission's Lifeline program.

59. Complaints and RDAs involving service providers predominantly focused on their failure to provide instructions or billing in an accessible format, accessible contact information or directory assistance, and accessible customer service. More specifically, approximately 12% of all informal complaints and RDAs alleged an inability to access billing information. Most of these were from consumers who were blind or visually impaired, who expressed long-standing frustrations with acquiring access to their accounts. Some of the consumers were facing imminent service cut-offs at the time they filed their complaint or RDA, due to an inability to access their billing information. An additional 11% of informal complaints and RDAs came from consumers who, because they are blind or visually impaired,

<sup>261</sup> See 2012 CVAA Biennial Report, 27 FCC Rcd at 12224, ¶ 49, n.148.

<sup>262</sup> From January 1, 2012, until October 8, 2013, consumers filing Section 255 accessibility complaints utilized the Commission's prior informal complaint procedures. See ¶ 53, *supra*.

<sup>263</sup> From October 8, 2013, through December 31, 2013, consumers filing Section 255 accessibility complaints utilized the Commission's new accessibility complaint procedures. See ¶¶ 54-55, *supra*. Also during this period, and perhaps due to consumer unfamiliarity with the new accessibility complaint procedures, DRO received an additional 21 RDAs, but because these did not involve violations of Section 255, 716 or 718, DRO converted these to complaints filed under other provisions of the Act. These 21 RDAs are therefore not included in the above statistics.

equipment manufacturers and service providers attempted to work with consumers to resolve their particular needs. Accessibility complaints were often addressed by providing the requested equipment, identifying equipment that was available as an upgrade, or informing consumers of new models with accessibility features that would be issued in the future;" and

WHEREAS, individuals who are deaf, hard of hearing, deaf-blind, or who have disabilities that affect speech, may be more likely to rely on communications via text messaging rather than voice service;

THEREFORE BE IT RESOLVED that the Consumer Advisory Committee (CAC) calls upon the Commission to develop a plan, and, six months from the date of adoption of this resolution, report to the CAC on the implementation of such plan to ensure that both USAC and Lifeline providers recognize that this federally-assisted program and participating carriers have specific obligations under the Communications Act and other laws pertaining to the needs of individuals with disabilities to ensure the availability of accessible and usable communication technology and to ensure the accessibility of program information, including but not limited to program descriptions, promotion, and eligibility determination; and

BE IT RESOLVED, that the Commission is urged to encourage carriers to work with individuals with disabilities who rely on text message communications to facilitate Lifeline service that supports a reasonable level of text message communication and to allow such individuals to maintain eligibility even if they do not make a voice call during a specified period.

Adopted: October 20, 2014

Abstentions: American Consumer Institute; CEA; CTIA; NASUCA; NAB; NCTA; Qualcomm; TWG; TMO; VZ

Respectfully submitted: